

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

222 DELAWARE AVENUE

P.O. BOX 2306

WILMINGTON, DELAWARE 19899-2306

(302) 888-6800

FACSIMILE (302) 571-1750

www.morrisjames.com

JAMES W. SEMPLE

DIRECT DIAL

(302) 888-6870

E-MAIL

jsemples@morrisjames.com

WILMINGTON (BANCROFT PKWY)

(302) 655-2599

NEWARK

(302) 368-4200

DOVER

(302) 678-8815

October 20, 2005

John S. Spadaro, Esquire
Murphy, Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19805

Curtis P. Cheyney, III, Esquire
Swartz Campbell
1601 Market Street
Philadelphia, PA 19103

Nicholas E. Skiles, Esquire
Swartz Campbell LLC
919 Market Street
Wilmington, DE 19801

Re: Eames v. Nationwide
C.A. No. 04-1324 KAJ

Gentlemen:

I have not solicited, and will not entertain, any comments other than what we discussed last week on the phone. To that end, I received Mr. Spadaro's letter and enclosures of October 14, 2005. I will gladly review the initial Rule 26 disclosures and ask that Mr. Spadaro forward them to me at once.

Meet and confer is hardly a confounding term. It means you will meet in person or by phone in a good faith attempt to reach agreements on disputed legal and factual issues, will behave civilly, identify, address, and work through the legal or factual issues, and then report to me what issues have been resolved, and what issues remain for decision. No further comment is appropriate. If either side requests my intervention, file a motion and brief schedule, or call jointly to schedule a conference. Presumably you can meet and confer and agree on such a schedule.

My notes of last week's teleconference indicate that, having reaffirmed that my appointment is without objection, the following schedule will be observed:

OCTOBER 26, 2005

Plaintiff's Motion and Opening Brief, not to exceed
15 pages;

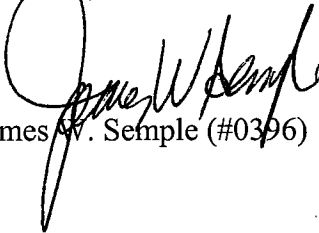
John S. Spadaro, Esquire
Nicholas E. Skiles, Esquire
Curtis P. Cheyney, III, Esquire
October 20, 2005
Page 2

NOVEMBER 2, 2005 Defendant's Response, not to exceed 15 pages;

NOVEMBER 9, 2005 Plaintiff's Reply, not to exceed 10 pages.

I await your submissions.

Very truly yours,



James W. Semple (#0396)

JWS/mmt

cc: The Honorable Kent A. Jordan
Clerk, U.S. District Court